

Environmental Regulations Guide

Section 6 Hazardous Waste

6.0 Hazardous Waste Overview

Arizona's hazardous waste regulations include the federal Resource Conservation and Recovery Act (RCRA) and Hazardous and Solid Waste Act (HSWA), as well as the Arizona Hazardous Waste Management Act. Arizona's hazardous waste regulations incorporate the federal requirements and add more stringent state requirements. RCRA authorization allows the Hazardous Waste Section of the Arizona Department of Environmental Quality (ADEQ) to enforce hazardous waste management rules and regulations in Arizona.

RCRA regulates normal operations associated with hazardous wastes for generators, transporters and treatment, storage and disposal facilities (TSDF). RCRA assigns "cradle-to-grave" responsibility for the effects of hazardous waste on the environment to the original generator of the hazardous waste. If a site has been extensively contaminated by hazardous waste, the provisions of CERCLA (Superfund), the state Water Quality Assurance Revolving Fund (WQARF) program, and the Arizona Remediation Standards apply to clean up efforts. They require sites contaminated by hazardous substances, including hazardous wastes, to be cleaned up or remediated. In addition, the Superfund Amendments and Reauthorization Act (SARA) requires that accidental releases of hazardous substances be reported to federal, state and local emergency response authorities, and requires emergency response planning and community right-to-know disclosures.

Additional hazardous waste requirements are found in section 4 of this Guide (Pollution Prevention and Industrial Pretreatment). This Guide also has a Section 9 "Special and Universal Wastes", which details requirements for universal wastes such as mercury containing lamps.

6.1 Resource Conservation and Recovery Act (RCRA) of 1976: 40 CFR 260ff.

Purpose

The purpose of RCRA is to comprehensively ("cradle-to-grave") regulate the generation, transportation and ultimate disposal of hazardous waste to protect human health and the environment.

Helpful Details

The federal Resource Conservation and Recovery Act (RCRA) enacted in 1976 authorizes the federal EPA to regulate waste management activities. EPA can, in turn, authorize states to administer the Act's requirements. Arizona is an authorized state. See the following section 6.1.1 for compliance details. Arizona's waste management rules include RCRA as well as more stringent state requirements for hazardous and solid (non-hazardous) waste management, and UST's. ADEQ is responsible for the administration and enforcement of the state's hazardous, non-hazardous and UST management requirements.

Agency Contacts

City of Scottsdale Environmental Planning & Design Office 7447 E. Indian School Rd., Suite 300 Scottsdale, AZ 85251 (480) 312-7990	Arizona Department of Environmental Quality Hazardous Waste Section 3033 N. Central Avenue Phoenix, AZ 85012 (602) 207-2338
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Actions Required

REMINDERS: *This Guide focuses on permits as the starting point for regulatory compliance with each program. If your department's facilities and/or activities require a permit under these programs, you may also need to comply with related requirements to:*

- 1) *pay fees;*
- 2) *write and submit plans and applications;*
- 3) *file reports;*
- 4) *make notifications;*
- 5) *conduct testing and monitoring;*
- 6) *obtain facility and individual certifications and licenses;*
- 7) *train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

City of Scottsdale operations are subject to RCRA requirements for managing the handling, storage and disposal of hazardous wastes at all city sites. Each site is classified as a Large Quantity (LQG), Small Quantity (SQG) or Conditionally Exempt Small Quantity (CESQG) Generator of hazardous waste. RCRA requirements increase with the increased volume of hazardous waste generated. Nevertheless, the city is responsible for any amount of hazardous waste generated "from cradle to grave", and any liability associated with contamination resulting from the hazardous waste.

Fees

See the following section 6.1.1 which indicates where fees are paid.

Best Numbers to Call

City of Scottsdale Environmental Planning & Design Office: (480) 312-7990

6.1.1 Arizona Hazardous Waste Management Act: ARS 49-921; AAC Title 18, chapter 8, Article 2

Purpose

To protect public health and environmental quality by requiring permits for hazardous waste generators transporters, and treatment, storage and disposal facilities as authorized under RCRA.

Helpful Details

The Arizona Administrative Code (A.A.C.) Title 18, Chp. 8, Art.2 contains the rules for the hazardous waste management system in Arizona. RCRA regulations are incorporated by reference and supplemented by Arizona requirements. In Arizona, generators obtain permits, pay fees, submit reports, and are subject to inspection and enforcement authority from ADEQ instead of EPA.

Agency Contacts

City of Scottsdale Environmental Planning & Design Office 7447 E. Indian School Rd., Suite 300 Scottsdale, AZ 85251 (480) 312-7990	Arizona Department of Environmental Quality Hazardous Waste Permits Unit 3033 N. Central Avenue Phoenix, AZ 85012 (602) 207-4151
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Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

Monthly submittal of hazardous waste manifests and annual reports of facility hazardous waste activity are required. Also required are extensive record keeping, written emergency response plans, written contingency plans and spill/release reporting. Workers who routinely handle hazardous waste and employees who merely work at a facility where hazardous waste is generated are subject to varying degrees of OSHA training requirements. ADEQ is authorized to inspect and take enforcement action against facilities which violate RCRA requirements.

Fees

Hazardous Waste Generator fees are based on the volume of waste generated annually. There are also quarterly fees and annual permit fees. RCRA required fees are paid to ADEQ.

Best Numbers to Call

Arizona Department of Environmental Quality: (602) 207-4151

6.2 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (commonly known as "Superfund"): 42 USC chapter 103; 40 CFR parts 300-349; ARS 49-281ff; AAC Title 18, chapter 7

Purpose

The purpose of CERCLA or "Superfund" is to protect the public and the environment by authorizing the federal government to order the cessation of hazardous substance releases and/or the cleanup of these releases.

Helpful Details

The federal government uses its authority under Superfund to identify and clean up the worst hazardous waste sites in the country. Those sites are placed on a National Priorities List (NPL). Under this law, EPA can require private or public entities to reimburse EPA for the costs of cleaning up a contaminated site.

Agency Contacts

U.S. Environmental Protection Agency (EPA) Office of Solid Waste 401 M Street SW Washington, DC 20460 (202) 554-1404	Arizona Department of Environmental Quality Remedial Project Section 3033 N. Central Avenue Phoenix, AZ 85012 (602) 207-2338
U.S. Environmental Protection Agency Region IX 75 Hawthorne Street San Francisco, CA 94105 (415) 744-2125	City of Scottsdale Water Resources 9388 E. San Salvador Rd. Scottsdale, AZ 85258 (480) 312-5747

Actions Required

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There is one Superfund site in Scottsdale, the North Indian Bend Wash Superfund Site. This site was placed on the National Priorities List in 1981. The Responsible Parties pay for the costs of remediation activities. The City operates the Central Groundwater Treatment Facility (CGTF) which is designed to clean up contaminated groundwater in the site. The City and the Responsible Parties comply with operational, training and other permit requirements for the CGTF, pay fees, and obtain permits from EPA Region IX, ADEQ and Maricopa County Environmental Health Services, Air Pollution Control.

Fees

None

Best Numbers to Call

City of Scottsdale Superfund Coordinator: (480) 312-5747

City of Scottsdale Environmental Hotline: (480) 312-7899

6.3 Superfund Amendments and Reauthorization Act (SARA) of 1986: 42 USC chapter 103; 40 CFR parts 300-399

Purpose

The two primary purposes of SARA are: 1) to provide information to federal, state and local officials, and the public, about chemicals being produced, used, stored or released from local businesses, and 2) to increase local emergency planning efforts.

Helpful Details

SARA's two most prominent provision require companies to annually report 1) to local emergency planning agencies their inventories of on-site chemicals (see section 5.2 for details on EPCRA), and 2) to EPA their total toxic-chemical releases into the environment. Those provisions are in the third section, commonly called Title III or EPCRA, which is a statute within a statute. Chemical releases are reported annually on the Toxic Chemical Release Inventory Form or Form R. Those forms are submitted to ADEQ, who in turn issues an annual Arizona Toxic Chemical Release Inventory Report Summary available to the general public.

Agency Contacts

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The city submits annual inventories of chemicals for approximately 50 city sites under the Title III, EPCRA requirements. Rural/Metro Fire Department conducts disaster preparedness training drills based on knowledge of the inventories submitted from companies in Scottsdale. Any emergency release of listed hazardous substances triggers a reporting requirement to several local and federal agencies. Annual chemical release reporting is also required for city operations.

Fees

None

Best Numbers to Call

City of Scottsdale Environmental Hotline: (480) 312-7899
U.S. Environmental Protection Agency (EPA): (202) 554-1404

6.4 Arizona Remedial Standards/Soil Remediation Standards Rule:

ARS 49-151; ARS 49 chapter 5

This rule package was approved by the Governor's Regulatory Review Council on December 2, 1997. The effective date of this rule is December 4, 1997, the date it was filed with the Secretary of State. The purpose of this rule is to establish department-wide risk-based standards applicable to soil remediation activities. Current Title 49 statutes and rules require contaminated soil to be cleaned up (or remediated). This rule answers the question of "how clean is clean" across all departmental soil cleanup programs. Generally speaking, soil which meets the remediation standards described in the rule is "clean enough." The Soil Remediation Standards Rule replaces a practice of establishing cleanup standards on a program-by-program, and often site-by-site, basis.

This rule is based on the idea of "risk-based remediation" which means that cleanup levels relate to the risk to human health and the environment posed by contaminated soil. Risk-based remediation should result in greater cost effectiveness by better matching expenditures to the contaminated site posing the greatest amount of risk. This rule only applies to contaminated soil, and it will not apply retroactively. If you have any question regarding this rule, please contact robertson.michele@ev.state.az.us (Michele Robertson) at (602) 207-4415 or richey.donald@ev.state.az.us (Don Richey) at (602) 207-4129. The Department's toll free number in Arizona is (800) 234-5677.